

Notice of Allowability

Application No.

10/653,798

Examiner

Meless N. Zewdu

Applicant(s)

PALM ET AL.

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/21/07.
2. ☒ The allowed claim(s) is/are 7, 8, 15, 16, 17, 18, 25 & 26
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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DETAILED ACTION

Response to Amendment

1. This action is in response to the communication filed on 9/21/07.
2. Claims 3, 11 and 21 were previously cancelled.
3. Claims 1-2, 4-6, 9-10, 12-14, 19-20 and 22-24 have been cancelled in the current amendment.
4. In view of the current amendment, the nonstatutory double patenting rejection, provided in previous Office Actions, has been removed.
5. The claims have been amended, via examiner's amendment, to address some deficiencies related to lack of antecedent basis and inconsistencies in the use of WAPs and access points as used in claims 25 and 26 (see below).
6. Claims 7-8, 15-18 and 25-26 are pending in this action.
7. Claims 7-8, 15-18 and 25-26 are allowed.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

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Please amend the claims as follows:

In claim 7, on line 9, change "processing received" into --- processing the received ---

In claim 8, on line 9, change "processing received" into --- processing the received ---

In claim 15, on line 15, change "process received" into --- processing the received ---

In claim 16, on line 15, change "process received" into --- processing the received ---

In claim 25, on line 8, change "processing received" into --- processing the received ---

In claim 26, on line 7, change "processing received" into --- processing the received ---

In claim 25, on line 5, change "plurality of WAPs" into --- plurality of wireless access points (WAPs) ---

In claim 25, on line 6, change "access point" into --- wireless access point (WAP) ---

In claim 26, on line 5, change "plurality of WAPs) into --- plurality of wireless access points (WAPs) ---

In claim 26, on line 6, change "access point" into --- wireless access point (WAP) ---

Allowable Subject Matter

Claim 7-8, 15-18 and 25-26 are allowed.

The following is an examiner's statement of reasons for allowance:

As per claims 7-8, 15-18 and 25-26: the claims are directed to the general area of selecting a wireless access point (WAP) in a plurality of wireless access points (APs).

Within this context, the prior art of record does not teach or fairly suggest receiving

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capability data carried by at least some of a plurality of beacons transmitted by a corresponding plurality of wireless access points, wherein the capability data indicates whether a corresponding access point is capable of directional antenna service, as recited in claims 7, 15, 25 or whether a corresponding access point is capable of transmit power control, as recited in claims 8, 16 and 26, and further argued by applicant.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N. Zewdu whose telephone number is (571) 272-7873. The examiner can normally be reached on 8:30 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Appiah Charles can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 1272-2600.

Meless Zewdu

A handwritten signature in black ink, appearing to read 'Zewdu, Meless', written in a cursive style.

Primary examiner

05 October 2007.